

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:) **Case No.: 18-101**
HUGO SANTIBANEZ, DVM) **CONSENT AGREEMENT**
Holder of License No. 1483) **FINDINGS OF FACT**
For the practice of Veterinary) **CONCLUSIONS OF LAW**
Medicine in the State of Arizona,) **AND ORDER**

Respondent.)

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 et. seq. and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Hugo Santibanez, DVM ("Respondent"), holder of license No. 1483 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, et. seq.
2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing

1 concerning this case. He further acknowledges that at such hearing he could
2 present evidence and cross-examine witnesses. Respondent irrevocably waives
3 his right to such a hearing.

4 3. Respondent irrevocably waives any right to a rehearing or review or to
5 any judicial review or any other appeal of these matters.

6 4. The Consent Agreement, once approved by the Board and signed by
7 the Respondent, shall constitute a public record, which may be disseminated
8 as a formal action of the Board. Sufficient evidence exists for the Board to make
9 the Findings of Fact and Conclusions of Law set forth in the Consent
10 Agreement.

11 5. Respondent acknowledges and understands that this Consent
12 Agreement will not become effective until the Board approves it and it is signed
13 by the Board's Executive Director. Respondent acknowledges and agrees that
14 upon signing and returning this Consent Agreement to the Board's Executive
15 Director, Respondent may not revoke his acceptance of the Consent
16 Agreement or make any modifications to the document, regardless of whether
17 the Consent Agreement has been issued by the Executive Director.

18 6. If any part of the Consent Agreement is later declared void or
19 otherwise unenforceable, the remainder of the Order in its entirety shall remain
20 in force and effect.

21 7. Respondent acknowledges that any violation of this Consent
22 Agreement constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and
23 may result in disciplinary action pursuant to A.R.S. § 32-2234.

24 8. This Consent Agreement and Order is effective on the date signed by
25 the Board.

1
2
3
4
5
6
7 DATED this 31st day of May 2018.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Hugo Santibanez, DVM

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of veterinary medicine in the State of Arizona.

2. Respondent holds license No. 1483 for the practice of veterinary medicine in the State of Arizona originally issued on July 9, 1983.

3. At the April 18, 2018, Arizona Veterinary Medical Examining Board Meeting, the Board opened an investigation regarding Respondent's non-compliance with Consent Agreement 17-97, In Re: Hugo Santibanez, DVM.

4. Consent Agreement 17-97 became effective on August 29, 2017; Dr. Santibanez's license was placed on Probation status for a period of two (2) years to obtain ten (10) hours of continuing education in the following:

- Eight (8) hours in controlled substance management and regulations; and
- Two (2) hours in communications.

Payment of a \$1750 civil penalty was also required to be paid prior to the end of the Probation period.

5. On October 19, 2017, Respondent submitted a plan to obtain the ten (10) hours of continuing education in compliance with his Consent Agreement. The Board approved the two (2) hours in communication and seven (7) of the

1 eight (8) hours in controlled substance management and regulations. Dr.
2 Santibanez still needed to submit a plan for one (1) hour of controlled
3 substance management and regulations by October 28, 2017. The plan for that
4 one (1) remaining hour was not received, nor did Dr. Santibanez or his staff
5 contact the Board office to explain why he was unable to submit the final plan.

6 6. At the November 15, 2017 Board meeting, the Board granted
7 Respondent a 3-month extension to submit a plan for the remaining one (1)
8 hour of controlled substance management and regulations, with the deadline
9 of submission of February 15, 2018.

10 7. On November 16, 2017, the Board's Executive Director, Ms. Whitmore,
11 sent Ms. Gwenyth Shugart, Respondent's hospital manager, an email
12 explaining that Respondent still had one (1) hour of continuing education
13 remaining in controlled substance management and regulations that required
14 a plan be submitted to the Board by February 15, 2018; Ms. Shugart
15 acknowledged receipt. Ms. Whitmore also sent Respondent a letter on
16 November 24, 2017 relaying the same information.

17 8. No information was received from Respondent; therefore, the Board
18 opened an investigation due to non-compliance with the Consent Agreement.

19 9. On April 24, 2018, a Letter of Inquiry was sent to Respondent notifying
20 him of the complaint and requesting a response.

21 10. On April 26, 2018, an email was received from Ms. Shugart stating that
22 she had a family emergency in January 2018. Since Respondent completely
23 depends on her to assist him with complying with his Consent Agreement, he
24 was delayed on getting the information for the remaining CE to the Board for
25 approval.

CONCLUSIONS OF LAW

2 11. The Findings of Fact constitute a violation of **A.R.S. § 32-2232 (18)**
3 violating a written order of the Board.

ORDER

7 1. Based upon the foregoing Findings of Fact and Conclusions of Law it is
8 **ORDERED** that Respondent, License No. 1483, pay a civil penalty of **five hundred**
9 **dollars (\$500.00)** in the form of a **cashier's check, certified check, or money**
10 **order** made payable to the Arizona Veterinary Medical Examining Board within
11 30 days after the effective date of the Consent Agreement.

12 2. Respondent shall obey all federal, state and local laws/rules governing
13 the practice of veterinary medicine in this state.

14 3. Respondent shall bear all costs of complying with this Consent
15 Agreement.

16 4. This Consent Agreement is conclusive evidence of the matters
17 described and may be considered by the Board in determining an appropriate
18 sanction in the event a subsequent violation occurs. In the event Respondent
19 violates any term of this Consent Agreement, the Board may, after opportunity
20 for Informal Interview or Formal Hearing, take any other appropriate disciplinary
21 action authorized by law, including suspension or revocation of Respondent's
22 license.

ISSUED THIS 18th DAY OF June, 2018.

1
2
3
4
5
6
7
8 FOR THE BOARD:
9 ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

10 Jim Loughead, Chairperson

11 By 
12 Victoria Whitmore, Executive Director

13 Original of the foregoing filed
14 This 18th day of June 2018 with:

15 Arizona State Veterinary Medical Examining Board
16 1740 W. Adams St, Ste. 4600
17 Phoenix, Arizona 85007

18 Copy of the foregoing mailed by Certified, return receipt mail
19 This 18th day of June, 2018 to:

20 Hugo Santibanez, DVM
21 Address on file
22 Respondent

23 By: 
24 Board Staff